

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2005 DEC 13 P 3:31

EBEN ALEXANDER, III, M.D.

Plaintiff,

v.

BRIGHAM AND WOMEN'S PHYSICIANS
ORGANIZATION, INC., successor to
Brigham Surgical Group Foundation, Inc.,
BOSTON NEUROSURGICAL FOUNDATION
INC., BRIGHAM SURGICAL GROUP
FOUNDATION, INC. DEFERRED
COMPENSATION PLAN, BRIGHAM
SURGICAL GROUP FOUNDATION, INC.
FACULTY RETIREMENT BENEFIT
PLAN, COMMITTEE ON COMPENSATION
OF THE BRIGHAM SURGICAL GROUP
FOUNDATION, INC., and
PETER BLACK, M.D.

Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS.
Case No. 04-10738-MLW

**JOINT MOTION FOR A FIVE-DAY EXTENSION OF TIME
FOR THE PARTIES TO SUPPLEMENT THEIR STIPULATED FACTS**

The parties hereby respectfully request that the Court extend the time to December 19, 2005 for the parties to supplement the stipulated facts in connection with the pending cross-motions for summary judgment. In support hereof, the parties state as follows:

1. The Court held a hearing on the parties' cross-motions for summary judgment on November 15, 2005. After the hearing, the Court ordered the parties to meet at least once to confer regarding settlement and report back to the Court regarding settlement by December 7, 2005. Counsel for the parties met on December 2, 2005, but were unable to reach agreement and

reported back to the Court on December 7th.

2. After the summary judgment hearing, the Court also ordered that "the parties shall, if possible, supplement the stipulated facts" by December 14, 2005. The parties have been working together to supplement the stipulated facts, but require additional time to gather the necessary information and work out a stipulation. The process of gathering the information was delayed due to a snowstorm on Friday, December 9, 2005. In addition, counsel for defendants, David Casey, was in the hospital on Monday, December 12, 2005, and counsel for plaintiff, Colleen Cook, is unavailable on Wednesday, December 14, 2005, due to a long-scheduled mediation.

3. In short, the parties are continuing to work toward a supplemental stipulation but need a short extension of time to finalize the stipulation.

WHEREFORE, for the foregoing reasons, the parties respectfully request that the Court extend the time until December 19, 2005 for the parties to supplement their stipulated facts.

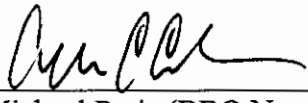
Respectfully submitted,

Plaintiff,

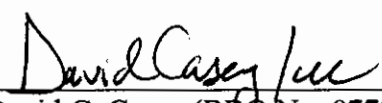
Defendants,

By his attorneys,

By their attorneys,



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Dated: December 13, 2005